

**THE HON'BLE MR. JUSTICE C.V.NAGARJUNA REDDY**

**WRIT PETITION No.26561 of 2007**

**Date:13.12.2007**

Between:

Sri N.Rama Subba Naidu and 11 others.

... Petitioners

AND

Government of A.P., represented by its Secretary Revenue, Secretariat, Hyderabad and two others.

... Respondents

Counsel for the petitioner: Smt. C.Vani Reddy

Counsel for the respondents: Government Pleader for Land Acquisition.

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**THE HONOURABLE MR.JUSTICE C.V.NAGARJUNA REDDY**

**WRIT PETITION No.26561 of 2007**

**ORDER:-**

This Writ Petition is filed for a Writ of Mandamus to declare notification dated 28-8-2007 issued under Section 4(1) of the Land Acquisition Act, 1894 (for short "the Act"), wherein an extent of Ac.60.00 cents in Survey No.339-1 of Gundavole village, Rapur Mandal, Nellore District is proposed to be acquired, as illegal.

The averments contained in the affidavit filed in support of the Writ Petition show that there are rival claims to the ownership in respect of the above said property between Smt.Mallika Akthar and the petitioners. The petitioners stated that they have made representation dated 24-11-2007 to the Sub-Collector, Telugu Ganga Project, Nellore (respondent No.3 herein) to the effect that they are the owners of the property and that the said Mallika Akthar manipulated the record and managed to see that her name is mentioned in the notification issued under Section 4(1) of the Act.

Heard Smt.C. Vani Reddy, learned counsel for the petitioners.

The pleadings in the case do not show that enquiry under Section 5-A of the Act is already held. Learned counsel for the petitioners, at the hearing, stated that the respondents have not so far held the enquiry under Section 5-A of the Act. Since the respondents contemplated enquiry to be held under Section 5-A of the Act, as is evident from notification dated 28-8-2007, the petitioners are free to file their all legally permissible objections in the said enquiry. I am, therefore, of the view that this Writ Petition is premature.

The Writ Petition is, therefore, dismissed. However, respondents are directed to entertain the objections, if any, filed by the petitioners and afford them an opportunity of personal hearing in the enquiry to be held under Section 5-A of the Act before seeking to proceed further with the acquisition of land in dispute.

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C.V.NAGARJUNA REDDY,J  
13-12-2007

Note:  
Issue CC in three days.  
(BO)

MNR